

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

In the Matter of the Search Warrant
issued with regard to:

No. 4:19-mj-82

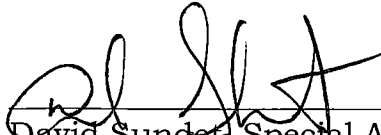
19-123-04

**REDACTED APPLICATION FOR
SEARCH AND SEIZURE WARRANT**

I, David Sundet, being duly sworn depose and say:

I am a Special Agent with the Drug Enforcement Administration, and have reason to believe that on the property or premises as fully described in Attachment A, attached hereto and incorporated herein by reference, there is now concealed information, namely: that fully described in Attachment B, attached hereto and incorporated herein by reference, which I believe is property constituting evidence of the commission of criminal offenses, contraband, the fruits of crime, or things otherwise criminally possessed, or property designed or intended for use or which is or has been used as the means of committing criminal offenses, concerning violations of 21 U.S.C. §§ 841(a)(1) and 846 (possession with intent to distribute controlled substances).

The facts to support a finding of Probable Cause are contained in my Affidavit filed herewith.



David Sundet, Special Agent
Drug Enforcement Administration

Sworn to before me, and subscribed in my presence on the 18th day of November, 2019, at Sioux Falls, South Dakota.



VERONICA L. DUFFY
United States Magistrate Judge

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

4:19-mj-82

In the Matter of the Search Warrant
issued in regard to:

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**REDACTED AFFIDAVIT IN
SUPPORT OF AN APPLICATION
FOR A SEARCH AND SEIZURE
WARRANT**

STATE OF SOUTH DAKOTA)
 :SS
COUNTY OF MINNEAPOLIS)

I, David Sundet, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant for information associated with a certain cellular telephone assigned call number [REDACTED] ("**Target Cell Phone**") that is stored at premises controlled by Cellco Partnership dba Verizon Wireless (hereafter "Cellco"), a wireless telephone service provider headquartered in 180 Washington Valley Road, Bedminster, NJ 07921. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. § 2703(c)(1)(A) to require Cellco to disclose to the government copies of the information further described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review the information to locate items described in Section II of Attachment B.

2. I am a Special Agent with the Drug Enforcement Administration, the U.S. Justice Department and have been so employed for approximately 2.5 months. I am currently assigned to the DEA Sioux Falls Resident Office in Sioux Falls, SD, and charged with investigating drug trafficking under Title 21 of the United States Code. I have received 16 weeks of specialized training in Quantico, Virginia, pertaining to drug identification and drug trafficking, undercover operations, and electronic and physical surveillance procedures. Before becoming a Special Agent with the DEA, I was a Texas Peace Officer with the Killeen Police Department of Killeen, Texas, and prior to that, a Federal Maritime Law Enforcement Officer with the U.S. Coast Guard, Department of Homeland Security.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. I know from my training and experience that persons involved in the possession and distribution of controlled substances will often utilize vehicles not registered in their name and/or utilize rental vehicles to transport illegal substances, firearms and monies in efforts to conceal their identity from law enforcement. They will also travel outside the State of South Dakota in furtherance of their illegal enterprise to obtain controlled substances, to pay for

controlled substances or to transport or spend the proceeds of the sale of controlled substances.

5. I know from my training and experience that individuals involved in the possession and distribution of controlled substances will often utilize electronic devices such as mobile telephones, electronic address books, computers, etc., to facilitate communications with and/or store names, addresses and/or telephone numbers of associates, customers and sources of supply.

6. Through training and experience, I know that many modern mobile telephones have the ability to create, send, receive, and store digital media files in the form of digital photographs, audio and video recordings, and written messages such as text messages or email. Through training and experience, I know that individuals involved in the possession and distribution of controlled substances will carry their cellular telephones on their person. Having the ability to have precise GPS location of that telephone will enable law enforcement to safely and surreptitiously conduct surveillance of their illegal narcotic activities. Through training and experience, I know that individuals involved in the possession and distribution of controlled substances will often change their cellular telephone numbers and/or acquire new cell phone numbers if they suspect it has been compromised and/or detected by law enforcement.

7. Based on the facts set forth in this affidavit, I believe there is probable cause to believe that violations of 21 U.S.C. §§ 841(a)(1) and 846 have been committed, are being committed, and will be committed by [REDACTED]

[REDACTED]. There is also probable cause to believe that the location information described in Attachment B will constitute evidence of these criminal violations, and will lead to the identification of individuals who are engaged in the commission of these offenses.

PROBABLE CAUSE

8. In [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

9. On [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED].

10. TFO Carney told me he recently learned, from a reliable and corroborated Confidential Source (CS), that [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

11. DEA Sioux Falls notified South Dakota state and local law enforcement agencies and the Southwest Minnesota BRDTF of [REDACTED]

[REDACTED]

[REDACTED].

12. At [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

13. At [REDACTED]

[REDACTED]

[REDACTED]

14. On [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

15. On [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

16. In

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

17. On

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

18. On [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

19. Based on the foregoing, I believe that [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

20. In my training and experience, I have learned that Cellco is a company that provides cellular telephone access to the general public. I also know that providers of cellular telephone service have technical capabilities that allow them to collect and generate information about the locations of the cellular telephones to which they provide service, including cell-site data, also known as “tower/face information” or “cell tower/sector records.” Cell-site data identifies the “cell towers” (i.e., antenna towers covering specific geographic areas) that received a radio signal from the cellular telephone and, in some cases, the “sector” (i.e., faces of the towers) to which the telephone connected. These towers are often a half-mile or more apart, even in urban areas, and can be 10 or more

miles apart in rural areas. Furthermore, the tower closest to a wireless device does not necessarily serve every call made to or from that device. Accordingly, cell-site data provides an approximate location of the cellular telephone but is typically less precise than other types of location information, such as E-911 Phase II data or Global Positioning Device ("GPS") data.

21. Based on my training and experience, I know that Cellco can collect cell-site data about the **Target Cell Phone**. I also know that wireless providers such as Cellco typically collect and retain cell-site data pertaining to cellular phones to which they provide service in their normal course of business in order to use this information for various business-related purposes.

22. Based on my training and experience, I know that Verizon also collects per-call measurement data, which Verizon also refers to as the "real-time tool" ("RTT"). RTT data estimates the approximate distance of the cellular device from a cellular tower based on the speed with which signals travel between the device and the tower. This information can be used to estimate an approximate location range that is more precise than typical cell-site data.

23. Based on my training and experience, I know that Cellco can collect cell-site data about the **Target Cell Phone**. I also know that wireless providers such as Cellco typically collect and retain cell-site data pertaining to cellular phones to which they provide service in their normal course of business in order to use this information for various business-related purposes.

24. Based on my training and experience, I know that wireless providers such as Cellco typically collect and retain information about their subscribers in

their normal course of business. This information can include basic personal information about the subscriber, such as name and address, and the method(s) of payment (such as credit card account number) provided by the subscriber to pay for wireless telephone service. I also know that wireless providers such as Cellco typically collect and retain information about their subscribers' use of the wireless service, such as records about calls or other communications sent or received by a particular phone and other transactional records, in their normal course of business. In my training and experience, this information may constitute evidence of the crimes under investigation because the information can be used to identify the **Target Cell Phone's** user or users and may assist in the identification of co-conspirators and/or victims.

AUTHORIZATION REQUEST

25. Based on the foregoing, I request that the Court issue the proposed search warrant, pursuant to 18 U.S.C. § 2703(c) and Federal Rule of Criminal Procedure 41.

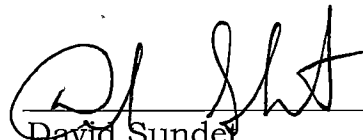
26. I further request that the Court direct Cellco to disclose to the Government any information described in Section I of Attachment B that is within its possession, custody, or control. Because the warrant will be served on Cellco, who will then compile the requested records at a time convenient to it, reasonable cause exists to permit the execution of the requested warrant at any time in the day or night.

27. This Court has jurisdiction to issue the requested warrant because it is "a court of competent jurisdiction" as defined by 18 U.S.C. § 2711(3) and 18

U.S.C. §§ 2703(a), 2703(b)(1)(A), and 2703(c)(1)(A). Specifically, the Court is “a district court of the United States . . . (including a magistrate judge of such a court)... that - has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(I).

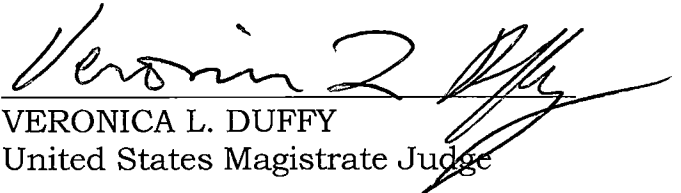
28. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant.

Respectfully submitted,



David Sundet
Special Agent
Drug Enforcement Administration

Sworn to before me, and subscribed in my presence on the 18th day of
November, 2019 at Sioux Falls, South Dakota.



VERONICA L. DUFFY
United States Magistrate Judge

REDACTED ATTACHMENT A

Property to Be Searched

This warrant applies to records and information associated with the cellular telephone assigned call number [REDACTED] [REDACTED] ("**TARGET CELL PHONE**") that is stored at premises controlled by Celco Partnership dba Verizon Wireless, a wireless telephone service provider headquartered in 180 Washington Valley Road, Bedminster, NJ 07921.

REDACTED ATTACHMENT B
Particular Things to be Seized

I. Information to be Disclosed by the Provider

To the extent that the information described in Attachment A is within the possession, custody, or control of the Provider, including any information that has been deleted but is still available to the Provider or that has been preserved pursuant to a request made under 18 U.S.C. § 2703(f), the Provider is required to disclose to the Government the following information pertaining to the Account listed in Attachment A for the time period of [REDACTED]

[REDACTED]:

- a. The following information about the customers or subscribers associated with the SUBJECT ACCOUNT for the authorized period of [REDACTED]:

- i. Names (including subscriber names, user names, and screen names);
- ii. Addresses (including mailing addresses, residential addresses, business addresses, and e-mail addresses);
- iii. Local and long distance telephone connection records;
- iv. Records of session times and durations, and the temporarily assigned network addresses (such as Internet Protocol ("IP") addresses) associated with those sessions;
- v. Length of service (including start date) and types of service utilized;
- vi. Telephone or instrument numbers (including MAC addresses, Electronic Serial Numbers ("ESN"), Mobile Electronic Identity Numbers ("MEIN"), Mobile Equipment Identifier ("MEID"); Mobile Identification Number ("MIN"), Subscriber Identity Modules ("SIM"), Mobile Subscriber Integrated Services Digital Network Number ("MSISDN");

International Mobile Subscriber Identity Identifiers ("IMSI"), or International Mobile Equipment Identities ("IMEI");

- vii. Other subscriber numbers or identities (including the registration Internet Protocol ("IP") address); and
 - viii. Means and source of payment for such service (including any credit card or bank account number) and billing records.
- b. Information associated with each communication to and from the SUBJECT ACCOUNT for the period of [REDACTED], including:
- i. Any unique identifiers associated with the cellular device, including ESN, MEIN, MSISDN, IMSI, IMEI, SIM, or MIN;
 - ii. Source and destination telephone numbers;
 - iii. Date, time, and duration of communication; and
 - iv. All data about the cell towers (i.e. antenna towers covering specific geographic areas) and sectors (i.e. faces of the towers) to which the TARGET CELL PHONE will connect at the beginning and end of each communication as well as per-call measurement data (also known as "real-time tool" or "RTT")].

II. Information to be Seized by the Government

- i. All information described above in Section I that constitutes [evidence, fruits, contraband, and instrumentalities] of violations of Title 21 United States Code, Sections 841 and 846 involving Daniel VETTER during the authorized period of [REDACTED].

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

In the Matter of the Search Warrant
issued with regard to:

No. 4:19-mc-82

19-123-04

**REDACTED SEARCH AND
SEIZURE WARRANT**

TO: ANY AUTHORIZED LAW ENFORCEMENT OFFICER

An application by a federal law enforcement officer or an attorney for the government requests the search of the following property more fully described in Attachment A, attached hereto and incorporated herein by reference.

I find that the affidavit, or any recorded testimony, establish probable cause to search and seize the property described above for the information fully described in Attachment B, attached hereto and incorporated herein by reference, and that such search will reveal evidence of the violations of 21 U.S.C. §§ 846 and 841(a)(1) (possession with the intent to distribute controlled substances).

YOU ARE COMMANDED to execute this warrant on or before
12-1-19 (not to exceed 14 days)
☒ in the daytime - 6:00 a.m. to 10:00 p.m.
☐ at any time in the day or night as I find reasonable cause has been established.

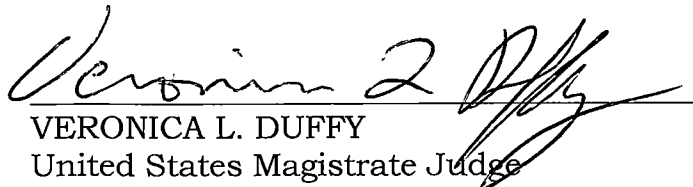
Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to the undersigned Judge.

☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized,
☐ for _____ days (not to exceed 30).

☐ until, the facts justifying, the later specific date of _____.

11-18-19 at 1pm CST at Sioux Falls, South Dakota
Date and Time Issued


VERONICA L. DUFFY
United States Magistrate Judge

REDACTED ATTACHMENT A

Property to Be Searched

This warrant applies to records and information associated with the cellular telephone assigned call number [REDACTED] [REDACTED] ("**TARGET CELL PHONE**") that is stored at premises controlled by Cellco Partnership dba Verizon Wireless, a wireless telephone service provider headquartered in 180 Washington Valley Road, Bedminster, NJ 07921.

REDACTED ATTACHMENT B
Particular Things to be Seized

I. Information to be Disclosed by the Provider

To the extent that the information described in Attachment A is within the possession, custody, or control of the Provider, including any information that has been deleted but is still available to the Provider or that has been preserved pursuant to a request made under 18 U.S.C. § 2703(f), the Provider is required to disclose to the Government the following information pertaining to the Account listed in Attachment A for the time period of [REDACTED]

[REDACTED]:

- a. The following information about the customers or subscribers associated with the SUBJECT ACCOUNT for the authorized period of [REDACTED]:

- i. Names (including subscriber names, user names, and screen names);
- ii. Addresses (including mailing addresses, residential addresses, business addresses, and e-mail addresses);
- iii. Local and long distance telephone connection records;
- iv. Records of session times and durations, and the temporarily assigned network addresses (such as Internet Protocol ("IP") addresses) associated with those sessions;
- v. Length of service (including start date) and types of service utilized;
- vi. Telephone or instrument numbers (including MAC addresses, Electronic Serial Numbers ("ESN"), Mobile Electronic Identity Numbers ("MEIN"), Mobile Equipment Identifier ("MEID"); Mobile Identification Number ("MIN"), Subscriber Identity Modules ("SIM"), Mobile Subscriber Integrated Services Digital Network Number ("MSISDN");

International Mobile Subscriber Identity Identifiers ("IMSI"), or International Mobile Equipment Identities ("IMEI");

- vii. Other subscriber numbers or identities (including the registration Internet Protocol ("IP") address); and
 - viii. Means and source of payment for such service (including any credit card or bank account number) and billing records.
- b. Information associated with each communication to and from the SUBJECT ACCOUNT for the period of [REDACTED], including:
- i. Any unique identifiers associated with the cellular device, including ESN, MEIN, MSISDN, IMSI, IMEI, SIM, or MIN;
 - ii. Source and destination telephone numbers;
 - iii. Date, time, and duration of communication; and
 - iv. All data about the cell towers (i.e. antenna towers covering specific geographic areas) and sectors (i.e. faces of the towers) to which the TARGET CELL PHONE will connect at the beginning and end of each communication as well as per-call measurement data (also known as "real-time tool" or "RTT")].

II. Information to be Seized by the Government

- i. All information described above in Section I that constitutes [evidence, fruits, contraband, and instrumentalities] of violations of Title 21 United States Code, Sections 841 and 846 involving Daniel VETTER during the authorized period of [REDACTED].